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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,911	07/16/2001	FM Bay	19635.0002	3670
23517	7590	12/29/2004	EXAMINER	
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP			NGUYEN, SON XUAN	
3000 K STREET, NW				
BOX IP			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20007			2664	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/904,911	BAY, FM	
	<b>Examiner</b>	<b>Art Unit</b>	
	SON X. NGUYEN	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/16/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/11/2003</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 10, 11, 12 are objected to because of improper dependency of claim 1.

The claims appear depending on claim 9. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Matthew J. Sherman (U.S 6,161,013) hereinafter referred to as Sherman.

Regarding claim 1, Sherman discloses a method of individualizing a general broadcast signal (See lines 2-4 of column 2; and Figure 3), comprising: combining a user identifier (User code) and a message (Data stream) to form a first message layer signal; encoding the first message layer signal (Lines 33-40 of column 5 discloses user code and data stream are combined modulated); combining a first source identifier with the encoded first message layer signal to form a second message layer signal; and encoding the second message layer signal (Sees lines 9-10 of column 3 and lines 50 -55 of column 5).

Regarding claim 2, Sherman discloses combining a second source identifier with the encoded second message layer signal to form a third message layer signal; encoding the third message layer signal (See lines 10-12 of column 3 and lines 55-59 of column 5).

Regarding claims 3-4, Sherman discloses the encoding of at least one of the first, second and a third message layer signal includes code division multiples access encoding (See lines 59-60 of column 5).

Regarding claim 5, Sherman discloses receiving the encoded second message layer signal (See lines 14-16 of column 6); decoding the encoded second message layer signal; and decoding the encoded first message layer signal (See lines 28-34 of column 6).

Regarding claim 6, Sherman discloses receiving the encoded third message layer signal (See lines 14-16 of column 6); decoding the encoded third

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message layer signal; and decoding the encoded second message layer signal; decoding the encoded first message layer (See lines 20-34 of column 6).

Regarding claims 7-8, Sherman discloses the decoding of at least one of the first, second and third message layers signals include code division multiples access decoding (See lines 34-36 of column 6).

Regarding claim 9, Sherman discloses a system for individualizing a general broadcast signal (See Figures 1-4), comprising: first logic apparatus, operatively connected to receive and to concatenate a user identifier and a message to form a first message layer signal; first encoder, operatively connected to first logic apparatus to encode the first message layer (Modulator 510 of Figure 3 corresponding to combination of first logic apparatus and first encoder because its output is output of first logic apparatus and first encoder combined); second logic apparatus, operatively connected to receive and concatenate a first source identifier with the encoded first message layer signal to form a second message layer signal; and second encoder, operatively connected to the second logic apparatus to encode the second message layer signal (First mixer 520 of Figure 3 corresponding to combination of second logic apparatus and second encoder because its output is output of second logic apparatus and second encoder combined).

Regarding claim 10, Sherman discloses third logic apparatus, operatively connected to receive and concatenate a second source identifier with the encoded second message layer signal to form a third message layer signal; and third encoder, operatively connected to the third logic apparatus to encode the

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third message layer signal (Second mixer 530 of Figure 3 corresponding to combination of third logic apparatus and third encoder because its output is output of third logic apparatus and third encoder combined).

Regarding claims 11-12, Sherman discloses first, second and third encoders comprise code division multiplex access encoders (See lines 59-60 of column 5).

Regarding claims 13, Sherman discloses general broadcast receiver (Antenna 610 of Figure 4) operatively connected to receive the encoded second message layer signals; a first decoder operatively connected to decode the encoded second message layer signal (Second mixer 640 of Figure 4); and a second decoder operatively connected to decode the encoded first message layer signal (Demodulator 650 of Figure 4).

Regarding claim 14, Sherman discloses a general broadcast receiver (Antenna 610 of Figure 4) operatively connected to receive the encoded third message layer signal; a first decoder operatively connected to decode the encoded third message layer signal (First mixer 630 of Figure 4); a second decoder operatively connected to decode the encoded second message layer signal (Second mixer 640 of Figure 4); and a third decoder operatively connected to decode the encoded first message layer (Demodulator 650 of Figure 4).

Regarding claim 15-16, Sherman discloses at least one of the first, second and third decoders includes a code division multiples access decoder (See lines 34-36 of column 6).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Wiedeman et al. (U.S. 5,594,780) Satellite communication system that is coupled to a terrestrial communication network and method.

b) Serri et al. (U.S. 6,594,469), Methods and apparatus for broadcasting regional information over a satellite communication system.

c) Fukawa et al. (U.S. 6,128,332), Spread spectrum transmitter and receiver employing composite spreading codes.

d) Gerakoulis, Diakoumis Paris (U.S. 5,995,497), Method and apparatus for switching code division multiple access modulated beams in a satellite.

e) Sherman, Matthew. (U.S. 5,966,371), Method and system for reducing interbeam interference and multipath fading in bent-pipe satellite communications systems.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON X. NGUYEN whose telephone number is 571-272-6048. The examiner can normally be reached on 8 AM -5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
RICKY NGO  
PRIMARY EXAMINER